S.B. Civil Writ Petition No.5559/2004
[Shanker Lal V/s ADJ (F.T.) and Ors.]

Date of Order : 11/12/2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.Sudhir Saruparia,for the petitioner/s

Heard the learned counsel for the petitioner.

The petitioner is aggrieved against the order of the trial court dated 20.9.2004, by which the trial court allowed the application of the plaintiff filed under Order 8 Rule 9 CPC for submitting additional pleadings. By this very order, the trial court amended the issue No.3 and framed additional issues No. 4A and 4B.

According to the learned counsel for the petitioner, the case was fixed for the evidence of the plaintiff. At that stage, the plaintiff submitted application for submitting additional pleadings. According to the learned counsel for the petitioner, the court should not have allowed the application at such belated stage. It is also submitted that the trial court framed the issues suo moto, after taking on record the additional pleadings of the plaintiff.

I perused the order dated 20.9.2004. The trial court exercised the jurisdiction within the power vested in the trial court and no prejudice has

been caused to the petitioner by permitting the additional pleadings on record. Therefore, the trial court has not committed any error.

It appears that the court below after careful consideration found that the issue No.3 has not been properly framed and amended the issue No.3 and additional issues No.4A and 4B. After going through the facts of the case, this court has found that issues were rightly amended and framed and it will only give opportunity of hearing to the defendant also to give his defence.

In view of the above, I do not find any illegality in the impugned order and there is no reason for interference in the impugned order, therefore, the writ petition of the petitioner is dismissed.

(PRAKASH TATIA)J.

Rm/